

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Spectrum Efficiency Through)	WT Docket No. 12-64
Flexible Channel Spacing and Bandwidth)	
Utilization for Economic Area-based 800)	
MHz Specialized Mobile Radio Licensees)	
)	
Request for Declaratory Ruling that the)	WT Docket No. 11-110
Commission’s Rules Authorize Greater than)	
25 kHz Bandwidth Operations in the 817-)	
824/862-869 MHz Band)	

COMMENTS OF RCA—THE COMPETITIVE CARRIERS ASSOCIATION

RCA—The Competitive Carriers Association (“RCA”) submits these comments in response to a Notice of Proposed Rulemaking (“*Notice*”) in the above captioned proceeding.¹ The *Notice* proposes to promote greater efficiency, investment and innovation by providing 800 MHz Enhanced Specialized Mobile Radio (“ESMR”) licensees with flexibility to deploy next-generation wireless technology. In light of the competitive and consumer benefits, RCA supports the FCC’s proposal to eliminate legacy technical limitations and encourages the FCC to allow ESMR licensees to deploy next-generation technologies that operate on greater than 25 kHz channels with greater than 20 kHz bandwidth.²

RCA is the principal association representing competitive wireless carriers, and two RCA members utilize the ESMR spectrum. RCA commends the Commission for its interest in modernizing its rules to better meet the needs of ESMR licensees. The current proposal is

¹ *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees*, Notice of Proposed Rulemaking, FCC 12-25, WT Docket No. 12-64 (released March 9, 2012) (“*Notice*”).

² 47 C.F.R. § 90.209(b)(5).

consistent with the FCC's goal in the National Broadband Plan to free up spectrum for mobile broadband and to put spectrum to its best, most efficient use. In the Plan, the FCC stated that there are ways to transform spectrum, including modifying service, technical and auction rules.³ Spectrum is a finite, critical input for wireless carriers. In fact, Chairman Genachowski recently stated that spectrum is the "invisible infrastructure that sustains our wireless communications."⁴ Without sufficient usable spectrum, carriers' ability to innovate and remain relevant in a fast-changing industry is severely compromised. The FCC's proposal to allow ESMR licensees to deploy next-generation technologies that operate on greater than 25 kHz channels with greater than 20 kHz bandwidth will increase the spectrum's efficiency and the carriers' coverage and capacity, to consumers' benefit.⁵

Based on recent developments in the industry, including the NTIA Report on the 1755-1850 MHz spectrum, reallocation of the 700 MHz D Block spectrum, and the proposed Verizon-SpectrumCo/Cox transactions, it is clear that there are no near-term opportunities for competitive carriers to obtain spectrum. Operators may have to wait years for access to additional, usable spectrum. The FCC has the ability now to free additional, low-frequency spectrum for 4G mobile broadband.⁶ It is incumbent upon the FCC to revise its technical and service rules for ESMR spectrum to promote the most efficient use of a taxpayer-owned resource for the benefit of the American consumer.

³ *National Broadband Plan*, Chapter 5.4 at 85.

⁴ Julius Genachowski, Chairman, Fed. Communication Commission, Prepared Remarks of Chairman Julius Genachowski, Broadband Acceleration Conference (Feb. 9, 2011).

⁵ *Notice* ¶12.

⁶ The FCC also has the ability to unleash 12 MHz of spectrum and \$1 billion dollars in investment by imposing an interoperability requirement on the lower 700 MHz spectrum.

The record developed throughout this proceeding clearly reflects support for the FCC's proposal.⁷ Both the EMSR licensees and the public safety community stand to benefit from updating the FCC's legacy rules. The FCC has done much to ensure that 800 MHz public safety licensees receive ample protection from broadband operations that will be deployed once EMSR licensees receive the flexibility to efficiently utilize their spectrum. For example, EMSR licensees have agreed to minimize the risk of harmful interference to public safety systems and others operating in the band and are required to abate interference in the unlikely chance it occurs.⁸ The proposal also provides regulatory parity among EMSR licensees and commercial licensees operating in other bands.⁹

The FCC's proposal will allow EMSR licensees to offer their consumers the latest technologies and services. The FCC should provide EMSR licensees with the flexibility to deploy next-generation wireless technologies, by allowing those licensees to deploy CDMA, LTE or other next-generation technologies that operate on greater than 25 kHz channels with greater than 20 kHz bandwidth.

Respectfully submitted,

/s/

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⁷ Notice ¶9.

⁸ 47 C.F.R. § 90.673.

⁹ Implementation of Sections 3(n) and 332 of the Communications Act Regulatory Treatment of Mobile Services, Second Report and Order, 9 FCC Rcd 1411, [] (1994).